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**BARNES & THORNBURG**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*Group:* 1645

*Confirmation No.:* 3393

*Application No.:* 10/719,965

*Invention:* **Composition And Method For Production Of Transformed Cells**

*Applicant:* Badylak, et al.

*Filed:* November 24, 2003

*Attorney Docket* 3220-73968

*Examiner:* Unknown

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313

on November 17, 2004

Rebecca Ball

(Signature)

Rebecca Ball

(Printed Name)

TRANSMITTAL OF POWER OF ATTORNEY AND STATEMENT UNDER 37 C.F.R. § 3.73(b) AND REQUEST FOR CORRECTED FILING RECEIPT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants submit herewith a newly executed Power of Attorney for the above-captioned application under 37 C.F.R. § 1.32 appointing the registered practitioners associated with Customer Number 23643 (Form PTO/SB/80). Applicants also submit herewith a statement under 37 C.F.R. § 3.73(b) (Form PTO/SB/96) and copies of assignment documents evidencing that inventors Stephen F. Badylak and Sherry Voytik assigned rights to the captioned application to Purdue Research Foundation.

A copy of the filing receipt for the above-identified patent application is attached. Applicants request that the "Power of Attorney" section of the Filing Receipt be corrected to reflect the newly executed Power of Attorney.

Applicants believe that no fees are required with this submission. If any fees are required, the Assistant Commissioner is hereby authorized to charge any fees as necessary, or to credit any overpayments, to our Deposit Account No. 10-0435, with reference to our matter number 3220-73968. Two copies of this letter are enclosed to facilitate action by the Office on this matter.

Respectfully submitted,



Rebecca L. Ball  
Registration No. 46,535  
Attorney for Applicants

RLB:wlb  
Indianapolis, Indiana 46204  
317-231-7511

NOV 22 2004  
SAC

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:



Practitioners associated with the Customer Number.

23643

OR



Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

### Assignee Name and Address:

Purdue Research Foundation  
3000 Kent Avenue  
West Lafayette, Indiana 47906

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

### SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee.

Signature		Date	October 19, 2004
Name	Bruce L. Pershing	Telephone	(765) 496-7712
Title	Investment Officer and Corporate Secretary		

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/96 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Purdue Research FoundationApplication No./Patent No.: 10/719,965 Filed/Issue Date: Filed: 11/24/03

Entitled: Composition and Method for Production of Transformed Cells

Purdue Research Foundation, a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is 47 %

in the patent application/patent identified above by virtue of either:

A  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Rebecca Ball

Signature

November 17, 2004

Date

Rebecca L. Ball, Reg. No. 46,535(317)-231-7511

Printed or Typed Name

Telephone Number

Patent Attorney

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## ASSIGNMENT TO BUSINESS CONCERN

Attorney Docket No.: 3220-22439

## A S S I G N M E N T

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid to each of the undersigned,

Name(s)  
of Inventor(s)Stephen F. Badylak and Sherry Voytik, and

maker(s) of an invention which is the subject of an application for Letters Patent of the United States ("Application") entitled

Title of  
ApplicationCOMPOSITION AND METHOD FOR PRODUCTION OF TRANSFORMED CELLSDate of  
signing of  
Application by  
each inventor

which has been executed by the undersigned on

02/04/95 and 02/06/95Name of  
Assignee

the undersigned hereby sell(s), assign(s), and set(s) over to

Purdue Research FoundationAddress of  
principal  
place of  
business1650 Engineering Administration Bldg., Room 328West Lafayette, Indiana 47907-1650Insert State of  
Incorporation  
(if applicable) or  
"Not Applicable"a corporation of Indiana

(hereinafter designated as the Assignee) their entire right, title and interest in, to and under the Application, including all priority rights for other countries arising therefrom, all inventions therein disclosed, and any and all Letters Patent of the United States and of all other countries, including Canada, which may be granted for such inventions, or any of them, all such inventions and all rights in such Application and Letters Patent to be held and enjoyed by Assignee for its own use and enjoyment to the full end of the term or terms for which such Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by them had this assignment and sale not been made.

The undersigned agree(s) to execute all papers necessary in connection with the application(s) in the United States and foreign countries and any continuing, divisional, or reissue applications thereof, and any reexamination of any of such applications, and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared or litigation concerning the application(s) or continuation, division, reissue or reexamination thereof, and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or litigation.

The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

The undersigned agree(s) to do all other acts which, in the opinion of Assignee, may be necessary or desirable to secure the grant of Letters Patent to Assignee or its nominees, in the United States and in all other countries where Assignee may desire to have such inventions, or any of them, patented, with specifications and claims in such form as shall be approved by Assignee and to vest and confirm in Assignee or its nominees the full and complete legal and equitable title to all such Letters Patent.

The undersigned hereby authorize(s) and request(s) the Commissioner of Patents to issue any and all Letters Patent of the United States resulting from said application(s) or any division or divisions or continuing or reissue applications thereof, and any reexamination of any of such applications, to the said Assignee, as Assignee of the entire interest, and hereby covenants that the undersigned has full right to convey the interest herein assigned, and that the undersigned has not executed, and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) the attorney of record the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, I have executed this assignment at \_\_\_\_\_  
this 6<sup>th</sup> day of February, 1995

Outside the USA;  
Witnesses are  
required when  
acknowledgment  
before a Notary  
Public is not  
feasible.

Witness

Witness

Stephen F. Badylak  
Inventor (Signature)

Stephen F. Badylak  
Inventor (Printed Name)

#### ACKNOWLEDGMENT

STATE OF

}

} SS:

COUNTY OF

}

Acknowledged before me, a Notary Public, within and for said County and State. Witness my hand and  
Notarial Seal this 6<sup>th</sup> day of February, 1995

Barbara A. Fischer  
Notary Public STATE OF INDIANA  
My Commission Expires JUN 23, 1997

Printed Name

My Commission Expires: \_\_\_\_\_ Resident of \_\_\_\_\_ County.

REF 7444 FRAME 969

IN WITNESS WHEREOF, I have executed this assignment at \_\_\_\_\_  
this 6<sup>th</sup> day of February, 1995

Outside the USA;  
Witnesses are  
required when  
acknowledgment  
before a Notary  
Public is not  
feasible.

Witness

Witness

Sherry Voystik  
Inventor (Signature)  
Sherry Voystik  
Inventor (Printed Name)

#### ACKNOWLEDGMENT

STATE OF }  
COUNTY OF } SS:

Acknowledged before me, a Notary Public, within and for said County and State. Witness my hand and  
Notarial Seal this 6<sup>th</sup> day of February, 1995

Barbara A. Sander  
Notary Public

STATE OF INDIANA  
NOTARY PUBLIC IN THE STATE OF INDIANA  
JACKSON COUNTY

Printed Name

APR 21 95

My Commission Expires: \_\_\_\_\_ Resident of \_\_\_\_\_ County.

U.S. Application Serial No. \_\_\_\_\_

Filing Date \_\_\_\_\_

REEL 7444 FRAME 910



## UNITED STATES PATENT AND TRADEMARK OFFICE

9/28/04  
99

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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[www.uspto.gov](http://www.uspto.gov)

APPL NO.	FILING OR 371 (C) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/719,965	11/24/2003	1645	900	3220-73968		5	1

23643  
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## CONFIRMATION NO. 3393

## UPDATED FILING RECEIPT



\*OC000000013924931\*

Date Mailed: 09/28/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Stephen F. Badylak, W. Lafayette, IN;  
Jeffrey Bonadio, Ann Arbor, MI;  
Sherry Voytik, Lafayette, IN;

## Power of Attorney:

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Mark M. Newman-31472  
Timothy Niednagel-33266  
Mark Janis-34471

## Domestic Priority data as claimed by applicant

This application is a CON of 08/390,700 02/17/1995 PAT 6,653,291

## Foreign Applications

If Required, Foreign Filing License Granted: 03/10/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,  
**US10/719,965**

Projected Publication Date: 01/06/2005